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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,050	11/20/2000	Asher Ben-Nun	BEN-NOON3	6861

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EXAMINER

THANH, QUANG D

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 04/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,050

Applicant(s)

BEN-NUN, ASHER

Examiner

Quang D. Thanh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-10 is/are rejected.
- 7) ☒ Claim(s) 4 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3, 5.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 4 is objected to because of the following informalities: "strip portion" lacks antecedent basis.
2. Claim 8 is objected to because of the following informalities: "said third sheet" lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Monoach et al. (DE 2753523 A1).
4. Re claim 1, Monoach discloses a compression sleeve (fig. 1) comprising at least a portion made of a first 20 and second sheet 22 (fig. 2) of flexible fluid-impervious material, each having a distal and proximal end edges and two lateral edges (fig. 1); the sheets being sealingly connected by a plurality of longitudinal connection lines 14 transversely to the lateral edges and by lateral connection lines extending along the lateral edges (fig. 1), thereby forming a plurality of longitudinal pressure cells I-IV each defined between a pair of connection lines 14 and first and second strip regions of the sheets (fig. 1); a width of the second strip region being greater than that of the first strip

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region to form pleats 24 along the connection lines 14, the first strip region having a fluid opening 4 for inflation of the cell (fig. 2); the pressure cell, when inflated to exert pressure on a body, having the second strip region of one cell overlapping the second strip region of an immediately adjacent neighboring cell (fig. 2).

5. Re claims 6 and 10, the pleats 24 are oriented in the direction towards the proximal end edge of the sheets (fig. 2); and the sleeve is adapted to be wrapped around a patient's limb 26 (fig. 2).

6. Claims 4-5 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Manoach et al. (DE 2753523 A1). The width of the second strip region in figs. 1-2 appears to be greater than the first strip region to about 50% of the width of the first strip region and each pleat in figs. 1-2 appears to overlaps the second strip regions of an immediately adjacent neighboring cell about 25% to 35%. Alternatively, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the device in the Manoach's reference to obtain the invention as specified in the above claims, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manoach in view of Villari et al. (4,402,312). Manoach discloses the claimed invention except for a third sheet of flexible material and is silent regarding the sleeve having two portions separated by a non-pressure portion. However, Villari teaches a compression device having a third sheet 40 for covering an inner surface of an inner fluid-impervious sheet 42 and two portions: upper flap 60 and lower flap 62 which are separated by the opening 56 (col. 2, lines 23-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Manoach's device, to include a third cover sheet of soft material and two portions separated by a non-pressure portion, as taught and suggested by Villari et al., for the purpose of providing a comfortable inner surface of the sleeve for added comfort of the patient during use (col. 2, lines 25-29) and allowing the device to be comfortably worn around the patient's joints such as ankle or knee joints.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Neeman et al. '681, Ben-Nun '445, Gelfer et al. '923, and Bosl EP 285691 all disclose state of the art compression sleeve.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang D. Thanh whose telephone number is (703) 605-4354. The examiner can normally be reached on Monday-Thursday & alternate Friday.

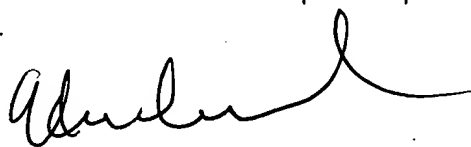
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on (703) 308-2698. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Quang D. Thanh
Patent Examiner
Art Unit 3764

QT

March 31, 2004



NICHOLAS D. LUCCHESI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700